

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID DATE JR.,  
Individually and On Behalf of All  
Others Similarly Situated,

Plaintiff,

Case No. 07-cv-15474

v.

Paul D. Borman  
United States District Judge

SONY ELECTRONICS, INC., and  
ABC APPLIANCE, INC. d/b/a ABC  
WAREHOUSE,

Defendant.

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ORDER REQUIRING THE PARTIES TO SUBMIT SUPPLEMENTAL BRIEFING  
ADDRESSING RECENT SIXTH CIRCUIT DECISION

On November 16, 2011, this Court held oral argument on Plaintiff's motion for class certification. Just days before oral argument, the Sixth Circuit issued a published opinion in *Pilgrim v. Universal Health Card, LLC*, \_\_\_F.3d \_\_\_, 2011 WL 5433770 (Nov. 10, 2011), which bears upon issues that the Court finds relevant to its resolution of the class certification issue in this case.

Accordingly, the Court requests Plaintiff to file a supplemental brief, on or before December 5, 2011, up to 5 pages in length, discussing the Sixth Circuit's opinion in *Pilgrim*, and its effect on the class certification issues in this case. Sony and ABC shall file separate responses to Plaintiff's brief, up to 5 pages in length each, on or before December 12, 2011. Plaintiff may file replies to each response, up to 3 pages in length each, on or before December 19, 2011.

IT IS SO ORDERED.

S/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: November 21, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on November 21, 2011.

S/Felicia Moses for Denise Goodine  
Case Manager